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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA KIMBALL,

Defendant.

CASE NO. 1:23-CR-00221-NODJ-BAM

STIPULATION AND ORDER TO CONTINUE  
STATUS CONFERENCE

IT IS HEREBY STIPULATED by and between Phillip A. Talbert, United States Attorney and Robert L. Veneman-Hughes, Assistant United States Attorney and David Torres, attorney for defendant Joshua Kimball, that the status conference set for February 14, 2024 at 1:00 pm before the Honorable Barbara A. McAuliffe be continued to April 24, 2024 at 1:00 p.m.

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. The parties need additional time to further investigate/explore matters related to resolving the case or setting a trial date.

2. By this stipulation, defendant now moves to continue the status conference, and to exclude time from February 14, 2024 to April 24, 2024.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes investigative reports, and related documents, photographs, etc., in electronic form.

1 Initial discovery has been either produced directly to counsel and/or made available for  
2 inspection and copying.

3 b) Defense counsel requires additional time to review discovery and investigate.

4 c) The government does not object to the continuance.

5 d) Based on the above-stated findings, the ends of justice served by continuing the  
6 case as requested outweigh the interest of the public and the defendant in a trial within the  
7 original date prescribed by the Speedy Trial Act.

8 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
9 et seq., within which trial must commence, the time period from February 14, 2024 to April 24,  
10 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C.  
11 § 3161(h)(7)(B)(iv) because it results from a continuance granted by the Court at defendant's  
12 request on the basis of the Court's finding that the ends of justice served by taking such action  
13 outweigh the best interest of the public and the defendant in a speedy trial.

14 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
15 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
16 must commence.

17  
18 Dated: February 6, 2024

Respectfully submitted,

19 PHILLIP A. TALBERT  
20 United States Attorney

21 By /s/ Robert L. Veneman-Hughes  
22 ROBERT L. VENEMAN-HUGHES  
23 Assistant United States Attorney

24 Dated: February 6, 2024

/s/ Kara Ottervanger  
25 DAVID TORRES  
26 Attorney for Joshua Kimball

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**ORDER**

IT IS SO ORDERED that the status conference is continued from February 14, 2024, to **April 24, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. § 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

Dated: February 8, 2024

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE